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March 13, 2008

MITIGATED NEGATIVE DECLARATION

Project Name: Lago San Marcos Condominiums

Project Number(s): TM 5388, R07-009, Log No. 04-08-032

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Noise Analysis, Biological Report and Supporting Information, Archaeological Survey Report, Storm Water Management Plan, Drainage Study, Traffic Impact Analysis.

I. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

II. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

- C. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to issuance of grading or other permits as specified):

PLANS AND SPECIFICATIONS

Specific Noise Conditions: DPLU

1. Staff has completed the review of the Lago de San Marcos project TM 5388 and the Acoustical Site Assessment report prepared by Investigative Science and Engineering, Inc. (ISE) received on May 15, 2007. Documentation and analysis is considered complete and Staff is now able to make final recommendations that will ensure that the project will comply with County Noise Ordinance regulations. Based on the noise report the project is zoned as C31 and all contiguous properties are zoned residential. The proposed project is subject to the arithmetic mean of two zones which result in a nighttime sound level limit of 50 dBA at the property line, referencing Noise Ordinance Section 36.404. Noise generating equipment will consist of two types of Lennox HVAC units that will be located throughout the project site. The Lennox HVAC units will produce sound levels as high as 50.0 dBA at the western property line complying with the County Noise Ordinance requirements. The proposed project will be exposed to vehicle traffic noise from Rancho Santa Fe Road and Lake San Marcos Drive. According to the noise report, noise affected balcony areas will have noise levels as high as 59.9 CNEL at Building 6 and 52.7 CNEL at the common recreational area. All project balconies will incorporate a 42-inch high solid guard wall. Due to the proposed intervening condominium units and the proposed 42-inch high solid guard wall, no exterior mitigation would be necessary for noise sensitive outdoor use areas. For balcony noise level details, refer to Table 2b and Figure 5b in the noise report. The location of the 60 dBA CNEL contour will saturate the entire project site. Staff recommends a Noise Protection Easement over the entire lot. Dedication of the noise protection easement will ensure that proposed project will comply with County noise regulations. **[DPLU, FEE]**
2. On the Final Map the applicant shall grant to the County of San Diego a Noise Protection Easement over the entire lot area. This easement is for the mitigation of present and anticipated future excess noise levels on noise sensitive

residential uses of the affected lot. The easement shall require the following:
[DPLU, FEE]

Prior to the issuance of any building permit for any residential use within the noise protection easement, the applicant shall:

- a. Complete, to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dBA CNEL)]. Future traffic noise level estimates must utilize a Level of Service "C" traffic flow on Rancho Santa Fe Drive for a Major Road classification which is the designated General Plan Circulation Element buildout roadway classification. **[DPLU, FEE]**
- b. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans. **[DPLU, FEE]**

Specific Paleontological Resource Conditions: DPLU

1. Prior to issuance of grading permits and approval of improvement plans pursuant to any map approval, the applicant shall comply with the following:
 - a. Retain a qualified paleontologist to monitor the site during grading. The applicant shall provide evidence of contracting with a paleontologist through a letter prepared by the paleontologist that states he/she has been retained by the applicant. The paleontologist shall attend all pre-grading meetings to consult with grading contractors.
 - b. A paleontological monitor shall be present on-site until all mass excavation or remedial grading is complete to evaluate the presence of fossils. The paleontologist shall have the authority to direct, divert, or halt any grading activity until such time that the sensitivity of the resource can be determined and the appropriate mitigation implemented.
2. Prior to approval of the Final Map, the applicant shall furnish documentary evidence to the satisfaction of the Director of Planning and Land Use that prepared fossils, along with copies of field notes, photos, and maps have been

deposited in a scientific institution such as the San Diego Natural History Museum. **[DPLU, FEE]**

Specific Landscape Conditions: DPLU

1. Prior to the issuance of a grading permit, the subdivider shall obtain approval from the Director of Planning and Land Use of a detailed Landscape Plan. The Landscape Plan and review fee shall be submitted to the Regulatory Planning Division. Said Plan shall show the types and locations of all landscaping features including planting and irrigation. The landscape material shall not interfere with any required solar access (plans shall show the proposed solar access/solar panel locations). [DPLU - Regulatory Planning Division]

Requirements are based on the County of San Diego's Landscape Water Conservation Design Manual, and the County's Off Street Parking Design Manual.

The Landscape Plan shall address the following concern(s):

- a. Provide a landscape plan that addresses the recreation center, parking areas, and all slopes 3 feet in vertical height and above. Include landscaping within the public right-of-way, however, trees are not allowed within the right-of-way unless an Encroachment permit has been issued by the Department of Public Works. Street trees shall be located just inside the property line. Provide screening of all proposed retaining walls from surrounding properties and public streets.
- b. The four proposed parking stalls adjacent to Private Drive E will require wheel stops to prevent damage to any landscape and irrigation proposed for this area. Please show. The parking stalls adjacent to the recreation area will not require wheel stops because of the extra 2 feet added to the 4-foot sidewalk.
- c. Provide screening of all proposed retaining walls.
- d. Per the Off Street Parking Design Manual, all parking stalls shall be within 30 feet of the trunk of a tree for heat relief and screening.
- e. Provide a note on the plans that indicates how the landscaping will be irrigated and who will be responsible for ongoing maintenance, including the right-of-way. All irrigation systems shall be fully automatic and include a rain sensing override device.

Specific Transportation Conditions:

1. Prior to issuance of construction permits, the applicant shall pay a Transportation Impact Fee. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

III. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or are the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- This project is required to pay the Transportation Impact Fee (TIF) in accordance with County Ordinance # 9712.
 - The subject Tentative Map is a proposed residential subdivision in the Lake San Marcos area. It proposes to utilize one 1.97-acre lot for 42 residential condominium units within 8 buildings.
 - If the Planning Commission approves this Tentative Map, approval should be subject to the conditions and requirements of Division I of Title 8 of the San Diego County Code.
- B. The "Standard Conditions for Tentative Subdivision Maps," approved by the Board of Supervisors on June 16, 2000 and filed with the Clerk as Document No. 740858(a), shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this resolution or shown on the Tentative Map will be authorized.
 - C. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County.

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

1. Standard Conditions 1 through 12.
2. Specific Conditions:
 - a. Prior to approval of the Final Map, approve or agree to improve and provide security for a **westbound left turn lane** on Lake San Marcos Drive at La Tierra Drive and the project driveway in accordance with Figure 13 and the recommendations of the approved Traffic Study by Darnell and Associates dated December 7, 2006 to the satisfaction of the Director of Public Works.
 - b. Adequate sight distance per County Standards shall be provided at all proposed intersections of to the satisfaction of the Director of Public Works.

(Drainage and Flood Control)

3. Standard Conditions 13 through 18.
4. Specific Conditions:
 - a. The private storm drain system shall be privately maintained by a private maintenance mechanism such as a homeowners association or other private entity acceptable to the satisfaction of the Director of Public Works.

(Grading Plans)

5. Standard Conditions 19(a-e).
6. Specific Conditions:
 - a. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects

that involve areas one acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

- b. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

DEVELOPMENT IMPACT FEES

7. Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the development improvements.

FINAL MAP RECORDATION

(Streets and Dedication)

8. Specific Conditions:

- a. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

- b. Relinquish access rights into Lake San Marcos Drive except for one driveway location, aligned at La Tierra Drive, as shown on the approved Tentative Map.
- c. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. **To be in compliance with the Public Resources Code, all Subdivision Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.**
- d. If conducted prior to January 1, 2000, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.506(j)).

If conducted after December 31, 1999, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the Final Map.

(Miscellaneous)

- 9. Standard Conditions 25, 26, 27, and 28.

March 13, 2008

WAIVER AND EXCEPTIONS

These recommendations are pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public Road and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the following:

a. Standard Conditions for Tentative Maps:

- (1) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

ROSEMARY ROWAN, Planning Manager
Regulatory Planning Division

RR:TP:jcr

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